

Appln No. 10/666,205
Amdt date December 20, 2006
Reply to Office action of June 20, 2006

REMARKS/ARGUMENTS

As an initial matter, the undersigned calls the Examiner's attention to the fact that this application has been recently assigned to BioCatalytics, and the Assignment was recorded electronically on even date herewith. The undersigned hereby declares that he is authorized to submit this Amendment on behalf of the new Assignee.

Claims 1-15 and 37-42 are pending. Claim 1-7, 10, 14-15, and 37-42 are under consideration and stand rejected on various grounds. Applicant now amends the application by submitting new claims 45-50 as indicated. No new matter has been added. New claim 45 largely corresponds to originals claims 1and 10, but has been written to overcome the rejections under §§ 101 and 112. New claim 46 recites a DNA sequence including the polypeptide of claim 45. New claim 47 draws upon other claims in the application and, like claim 45, is directed to an isolated polypeptide having alcohol dehydrogenase activity. New claim 48 recites a DNA sequence encoding the polypeptide of claim 47. New claim 49 is similar to previously presented claim 37, but specifies that the polypeptide is isolated. New claim 50 recites a DNA sequence encoding the polypeptide of claim 49.

In view of the present amendment, Applicant submits that the grammatical objections, as well as the rejections under 35 U.S.C. §§ 101 and 112, are moot. As filed, the application provides a written description that is both adequate and enabling. The specification describes an isolated polypeptide having an amino acid sequence of SEQ. ID. NO. 48, which comprises SEQ. ID. NO. 3 and having alcohol dehydrogenase activity. As such, the claims are enabled, supported, and definite.

Applicant also submits that the new claims are allowable over the art of record. In particular, Stampfer et al does not appear to include published sequence data and, contrary to what is stated on pages 19-20 of the Office action, the alcohol dehydrogenase of Stampfer et al. cannot be assumed to be 100% identical to the alcohol dehydrogenase of SEQ. ID. NO. 48 of the instant invention (which comprises SEQ. ID. NO. 3).

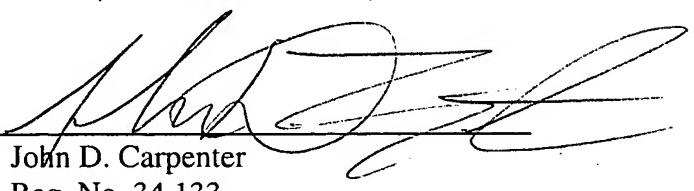
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Accordingly, Applicant traverses the rejections, reserves the right to pursue the subject matter of the cancelled claims, and requests an early notice of allowance.

Respectfully submitted,

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